The Americans with Disabilities Act Overview
Objectives of the Training

- Obtain an understanding of the amendments to the ADA and the reasons for them.
- Inform you about resources that can be used when questions arise.
- Answer questions you may have about the ADA and its amendments.
The ADA was originally passed by Congress and signed by President Bush in 1990.

The Act is a comprehensive Federal Statute to protect the civil rights of people with disabilities.

Made up of five titles.

Amended by Congress in order to restore the original intent.
Titles of the ADA

- Title I  Employment.
- Title II  covers State and Local Government.
- Title III  places of public accommodation.
- Title IV Communications.
- Title V Miscellaneous.
Reasons the Congress amended the ADA

- Courts took a very restrictive view of who is a qualified individual with a disability.
- Never got to issues of discrimination.
- Overwhelming bipartisan support to amend statute.
- Amendments became effective in January 2009
- Not retroactive.
ADA Amendments Act

3 ways to become a qualified individual with a disability:

- Have a physical or mental impairment which substantially limits one or more major life activities.
- Have a record of such an impairment.
- Be regarded as having an impairment.
Provides a broader non-exhaustive list of what would qualify as substantial impairments. It is broken down into two areas:

- Major Life activities.
- Types of major bodily functions.
Some examples of major life activities include but are not limited to:

- Hearing, walking, eating, thinking, concentrating, manual tasks, and caring for oneself.
- Remember the impairments have to be substantial (except when evaluating someone under the regarded as analysis).
- Bodily functions are also included
  - Some Bodily functions include: bladder, immune system, cell structure (cancer).
• Also these impairments must be individually evaluated and must be done without considering mitigating measures. Examples include the use of medication, medical supplies and equipment.
• This Does NOT include ordinary eyeglasses or contact lenses.
Being regarded as having an impairment does not require the person to have a substantial impairment.

- Can be an actual or perceived impairment.
- An adverse action must occur.
- Not required to reasonably accommodate under the Act. Please note that State Statute has been amended.
- An impairment that last 6 months or less.
- Broken arm and leg, are examples of what should heal.
- Impairment is transitory or minor a headache normal aches and pains.
On the basis of disability

- Mirrors Title VII.
- Could be a neutral policy or essential function that as applied could discriminate. Example: No person with a disability will be in the facility.
- Makes a blanket exclusion.
- Not based on essential functions of the job
• The Amendments only go to the issue of being qualified with a disability. You must still be qualified to do the essential functions of the job with or without reasonable accommodation.
• Places more emphasis on the Interactive process and compliance obligations.
The Amendments does NOT

- Change what is a reasonable accommodation.
- Change what is a direct threat.
- Change the program access requirements.
- Change any undue burden or fundamental alteration defenses.
Title I Employment

- Covers employers with 15 and more employees
- A individual with a disability cannot be discriminated against in all phases of the employment process.
- A qualified individual with a disability must be able to perform the essential functions of the job with or without a reasonable accommodation.
- Accommodation can not cause undue hardship,
Title II Governments

- Applies to State and local government
- All Programs, Services, and Activities must be accessible to and usable by individuals with disabilities when viewed in its entirety.
- State law mirrors Federal Law
- Applies to programs, services and activities that do not receive federal money
- Major resource ADA.gov
- [http://www.ada.gov](http://www.ada.gov)
ADA Coordinator

- Applies to Governments that have 50 or more employees.
- Oversee to ensure compliance with applicable provisions of the ADA and State law.
- [http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada](http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada)
- If you have a problem or question you can contact me
Examples of issues

- Service Animals: http://www.ada.gov/service_animals_2010.pdf
- Olmstead: http://www.ada.gov/olmstead/index.htm
Some Limitations to Providing Access

- Governments do not have to provide access which would cause an Undue Financial or Administrative Burden.
- Governments do not have to provide access which would cause a fundamental alteration to the program service or activity.
- Very High Standard.
Title III Public Accommodations

- Covers Places of Public Accommodation - Types of business, (Examples are hotels, restaurants, retail stores)
- Readily Achievable barrier removal
  http://www.ada.gov/2010ADASTandards_index.htm
- Federal and State tax incentives to assist business with barrier removal
More Technical Assistance

- ADA Technical Assistance Centers in Each region
- 1-800-949-4232
- Anywhere in the Country you call that number you will the technical assistance Center
- Our Regional Center is in Columbia Missouri
- They can offer guidance on the Titles of the ADA
Title IV Telecommunications

- Governed by the FCC
Title V

- Title V major provision is the Retaliation provision
Contact Information

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